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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,850	07/20/2006	Hidekazu Kimura	Q96083	3460
23373 7590 04/23/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
MARTIN, ANGELA J				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
04/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,850

Applicant(s)

KIMURA ET AL.

Examiner

Angela J. Martin

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/8/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to the Remarks filed on February 4, 2008. The Applicant has perfected the foreign priority date by submitting a verified English translation of the priority document, JP 2004-016393 (January 23, 2004); which predates the publication date of the prior art of record (Misawa and Hirota et al.). However, a new rejection is presented for the following reasons of record.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yonetsu et al., U.S. Pat. No. 6,506,513 B1.

Rejection of claims 1-4, 7-10 drawn to a fuel cartridge.

A fuel cartridge for a fuel cell, that is stored with liquid fuel to be supplied to a fuel electrode (abstract) in the fuel cell and that is attachable and detachable to/from said fuel cell (col. 13, lines 53-56), is characterized in that the fuel cartridge comprises: a fuel storage chamber whose an inner surface is made of resin that is resistant to said liquid fuel (col. 12, lines 23-34); a case that contains said fuel storage chamber internally and that is made of impact-resistant resin (col. 12, lines 23-34); and a fuel supply part that is

connected to said fuel storage chamber and that supplies said liquid fuel to said fuel cell (abstract; col. 3, lines 1-12). The fuel cartridge for the fuel cell according to claim 1 is characterized in that said inner surface of said fuel storage chamber is made of alcohol-resistant resin (col. 12, lines 23-34). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber is made of a bag-shaped member that is made of a flexible resin material (col. 7, lines 66-67 and col. 8, lines 1-4; Fig. 7B). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber and said case are jointly integrated (Fig. 3). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a pressure adjustment member for adjusting an inner pressure of said fuel storage chamber (col. 2, lines 42-47; abstract). The fuel cartridge for the fuel cell according to claim 7 is characterized in that said pressure adjustment member includes a gas-liquid separation film (col. 6, lines 53-63). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a vent that passes through said case (col. 5, lines 59-67). A fuel cell is characterized in that the fuel cell comprises a fuel cell main body having a fuel electrode and a fuel cartridge for the fuel cell according to claim 1 or 2, which is stored with liquid fuel to be directly supplied to said fuel electrode (abstract)

Thus, the claims are anticipated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonetsu et al., U.S. Pat. No. 6,506,513 B1, in view of Prasad et al., U.S. Pat. Application Pub. 2003/0082427 A1.

Yonetsu et al., teach a fuel cartridge as described above.

Yonetsu et al., do not teach the fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that a cushioning member is arranged between said fuel storage chamber and said case. The fuel cartridge for the fuel cell according to claim 5 is characterized in that said cushioning member includes one material or two or more materials from among natural rubber, isoprene rubber, butadiene rubber, styrene-butadiene rubber, chloroprene rubber, acrylonitrilebutadiene rubber, silicone rubber, butyl rubber, urethane rubber, ethylene propylene rubber, ethylene-vinyl acetate copolymer, foamed polyurethane, silicone gel, and styrene gel.

Prasad et al., teach a fuel cartridge with a cushioning member arranged between the storage chamber and case (0028). It teaches the member includes polystyrene (0028-0029).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert the teachings of Prasad et al., into the teachings of

Yonetsu et al., because the cushioning member would provide protection from damage for the fuel cell structure and fuel storage chamber.

Response to Arguments

5. Applicant's arguments with respect to above claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Martin whose telephone number is (571)272-1288. The examiner can normally be reached on Monday-Friday from 10:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJM
/Angela J. Martin/
Examiner, Art Unit 1795